

EXHIBIT 8  
BOVELL  
TRANSCRIPT

UNITED STATES DISTRICT COURT  
for the  
Eastern District of New York

Kevin Campbell

Plaintiff

v. Civil Action No. 22 CV 7662 (DLI) (MMH)

Federal Express Corporation A/K/A FedEx Express,  
and Eric Wanders, Individually

Defendant



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REMOTE STREAMING DEPOSITION OF

MONTY BOVELL

TAKEN ON  
MONDAY, MARCH 11, 2024  
10:11 A.M.

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1 **REMOTE STREAMING DEPOSITION OF**

2 **MONTY BOVELL**

3 **TAKEN ON**

4 **MONDAY, MARCH 11, 2024**

5 **10:11 A.M.**

6  
7 **THE REPORTER:** It is 10:11 a.m. We are on  
8 the record.

9 Mr. Bovell, please raise your right hand.

10 Do you affirm under penalty of perjury the  
11 testimony you're about to give will be the truth,  
12 the whole truth, and nothing but the truth?

13 **THE DEPONENT:** Yes, I do.

14 **THE REPORTER:** Thank you.

15 Will each attorney please state their name  
16 and whom they represent.

17 **MS. MASSIMI:** Jessica Massimi, for the  
18 plaintiff, Kevin Campbell.

19 **MR. MCGAHA:** Gabriel McGaha, here for the  
20 defendants, FedEx and Eric Warnders.

21 **THE REPORTER:** Thank you. Please proceed.

22 **MS. MASSIMI:** Federal stips, right? Did  
23 we say?

24 **MR. MCGAHA:** Yes.

25 **MS. MASSIMI:** Okay. Great.

1 **MONTY BOVELL**, having been first duly affirmed to  
2 tell the truth, was examined, and testified as  
3 follows:

4 **EXAMINATION**

5 **BY MS. MASSIMI:**

6 Q. Good morning, Mr. Bovell.

7 Can you please pronounce your last name  
8 for me.

9 A. No. You said it right.

10 Q. Okay. Great. Bovell.

11 A. Yeah.

12 Q. I am actually feeling very under the  
13 weather today. Nonetheless, I -- we're going to try  
14 to get through this quickly and efficiently.

15 A. Okay.

16 Q. So I'm just going to mention some basic  
17 ground rules.

18 The court reporter is taking down  
19 everything that's been said -- or everything that's  
20 being said, so we have to keep our voices up. We  
21 cannot speak over one another, and we can't use  
22 gestures. You can't use gestures to answer  
23 questions because the court reporter has to take  
24 down everything that's being said.

25 Does that make sense?

1 A. Understood.

2 Q. Okay. Have you ever been deposed before?

3 A. No, I haven't.

4 Q. Have you ever testified in court?

5 A. No, I haven't.

6 Q. If you need a break at any point, that's  
7 fine. Let me know. You can step out. I just ask  
8 that you answer any pending question before you step  
9 out, meaning, if I've asked a question, I ask that  
10 you answer it before you step out.

11 A. Yes. Understood.

12 Q. Thank you. If you need to revisit any  
13 portion of this deposition while the deposition is  
14 ongoing, that is fine with me, just let me know. We  
15 can go back and revisit it. Meaning, if you need to  
16 add information or change an answer, that's fine.  
17 Just let me know.

18 A. Understood.

19 Q. Do you have any physical or mental  
20 condition that might keep you from testifying  
21 truthfully, fully, and accurately here today?

22 A. No, I do not.

23 Q. Have you taken any medication that could  
24 affect your ability to testify?

25 A. No, I have not.



1 Q. Have you consumed any alcohol or drugs in  
2 the last 24 hours?

3 A. No, I have not.

4 Q. Have you failed to take any medication  
5 that you normally take?

6 A. No. I'm not on any type of medication.

7 Q. Okay. Do you have any nicknames?

8 A. No.

9 Q. Where were you born?

10 A. I was born in Guyana, South America.

11 Q. Okay. What is your race?

12 A. Black.

13 Q. Where do you currently live?

14 A. I live at 302 Baughmans Lane, Frederick,  
15 Maryland.

16 Q. Is that the address -- well, did you ever  
17 provide an address to Mr. McGaha in connection with  
18 this lawsuit?

19 A. I believe I did.

20 Q. Do you know if that's the address that you  
21 gave to him?

22 A. I'm not sure. It's either this address or  
23 the address I just moved from shortly.

24 Q. What was the address you just moved from?

25 A. 2505 Coachmen -- Coach House Way.

1 Q. Okay. How long do you plan to reside at  
2 your current address?

3 A. I'm not sure. Can't answer that.

4 Q. Do you have any plans to move from your  
5 current address as of right now?

6 A. No.

7 Q. Are you married?

8 A. No, I'm not.

9 Q. Have you ever been married?

10 A. No. I've never been married.

11 Q. Do you have any children?

12 A. No children.

13 Q. Have you ever been convicted of a felony?

14 A. No.

15 Q. Have you ever been convicted of a  
16 misdemeanor?

17 A. I have.

18 Q. I'm sorry?

19 A. Yes, I have.

20 Q. Okay. What -- how many times have you  
21 been convicted of a misdemeanor?

22 A. Maybe twice, I believe.

23 Q. Okay. When were each of those  
24 convictions?

25 A. It was years ago. I can't even -- well,

1 one of them -- I'm sorry. One of them was, I want  
2 to say 2019.

3 **Q. Okay. And what -- what were the -- what**  
4 **were you convicted of?**

5 A. A suspended license.

6 **Q. Driving with a suspended license?**

7 A. Yes.

8 **Q. Did you --**

9 A. On both occasions.

10 **Q. I'm sorry, sir?**

11 A. On both occasions, it was -- it was the  
12 same thing.

13 **Q. Okay. Were you working for FedEx at the**  
14 **time?**

15 A. Yes, I was.

16 **Q. As a driver?**

17 A. No. As a manager.

18 **Q. Did you have to report to FedEx that you**  
19 **had a suspended license?**

20 A. Yes, I did.

21 **Q. You did report it to FedEx?**

22 A. I did.

23 **Q. Why was your license suspended?**

24 A. It was something to do with my address and  
25 me not getting something that the DMV had sent to

1 me. That's how it got suspended.

2 **Q. Understood. Okay. Is your license**  
3 **currently suspended?**

4 A. No.

5 **Q. Do you have a driver's license?**

6 A. I do.

7 **Q. And you said the other misdemeanor was**  
8 **also for a suspended license, correct?**

9 A. Yes.

10 **Q. Okay. Were each of those convictions --**  
11 **each of those misdemeanors in New York State?**

12 A. Yes.

13 **Q. Are you currently on probation or parole?**

14 A. No, I'm not.

15 **Q. Have you ever sued anyone?**

16 A. No. I have never sued anyone.

17 **Q. Have you ever been sued before?**

18 A. No. I have not been sued before.

19 **Q. What is your highest level of education?**

20 A. Some college.

21 **Q. How many semesters?**

22 A. Two and a half.

23 **Q. Okay. From which institution?**

24 A. Queensborough Community College and the  
25 Borough of Manhattan Community College.

1 Q. In what area of study did you complete  
2 those credits?

3 A. Music, and if I'm not mistaken, it was --  
4 I believe it was IT.

5 Q. Okay.

6 A. Yeah.

7 Q. Do you have any plans to obtain further  
8 college credits?

9 A. Yes, I do.

10 Q. Are you currently enrolled in school?

11 A. No, I'm not.

12 Q. Okay. Best of luck to you with that, by  
13 the way.

14 A. Thank -- thank you.

15 Q. Yeah. Are you currently employed?

16 A. I am -- I'm -- I'm currently employed.

17 Q. Who are you currently employed by?

18 A. I'm currently employed by Penske  
19 Logistics.

20 Q. What is Penske Logistics?

21 A. This is a -- it's a trucking -- a trucking  
22 company that delivers groceries for ALDI  
23 Supermarket.

24 Q. Okay. Do they do anything else?

25 A. No.

1 Q. When did you obtain that job?

2 A. September of 2023.

3 Q. Prior to working for Penske Logistics,

4 were you employed?

5 A. Yes.

6 Q. By who?

7 A. UPS, and prior to UPS, a company called

8 Gotham Greens.

9 Q. Prior to Gotham Greens, by whom were you?

10 A. Oh, I'm sorry. Before Gotham Greens,

11 there was Yellow YRC Freight.

12 Q. Okay. So did you work for Yellow

13 immediately after working for FedEx?

14 A. No.

15 Q. Who did you work for after FedEx?

16 A. After FedEx, I had a position with a

17 company called Facility Solution in Long Island and

18 --

19 Q. Can you repeat that?

20 A. Facility Solution in Long Island. And

21 then prior to that, it was a company called CNK

22 Logistics.

23 Q. You worked for FedEx at some point,

24 correct?

25 A. Yes.

1 Q. When did you stop working for FedEx?

2 A. In June of 2021.

3 Q. In June of 2021, did you begin working for

4 CNPK Logistics?

5 A. No. In August of that year, I started

6 working with a Facility Solution.

7 Q. How long did you work for Facility

8 Solutions?

9 A. I want to say maybe six or seven months.

10 Q. Did you then obtain different employment?

11 A. Yes.

12 Q. Where?

13 A. That was the CNK Logistics.

14 Q. CNK or CNPK?

15 A. C-N-K.

16 Q. CNK?

17 A. Yes.

18 Q. Okay. Thank you.

19 A. Sorry about that.

20 Q. That's okay.

21 Q. No need to apologize. After CNK, how long

22 did you work at CNK Logistics?

23 A. Maybe four to five months.

24 Q. After CNK Logistics, where did you work?

25 A. UPS.

1 Q. How long were you at UPS?

2 A. I was at UPS, I believe, for seven months.

3 Q. At the end of that seven months, where did  
4 you go?

5 A. It was followed by Gotham Greens for --  
6 for a time period of about three months or four  
7 months. And following that, I moved to Maryland.

8 Q. Okay. And then when you moved to  
9 Maryland, where did you work?

10 A. That was the YRC Yellow -- Yellow YRC  
11 Freight.

12 Q. How long did you work there?

13 A. Five months, I believe. And then the  
14 company went bankrupt.

15 Q. Okay. And then at the end of that -- when  
16 the company went bankrupt, did you obtain different  
17 employment?

18 A. Yes. I went back to UPS.

19 Q. Are you currently employed at UPS?

20 A. No, I'm not.

21 Q. Are you currently employed?

22 A. Yes --

23 Q. By whom?

24 A. -- I am. Penske Logistics.

25 Q. Understood. Okay. Did you work for



1 anyone between UPS and Penske Logistics?

2 A. No.

3 Q. How did you obtain your job at CNK?

4 A. I believe through -- through one of these  
5 -- I believe it was Indeed. One of those online --  
6 the online apps that -- that you search -- that  
7 helps you find jobs.

8 Q. Did CNK ask for any job references during  
9 your application process?

10 A. I don't think so. They just wanted to  
11 make sure that I was a driver before.

12 Q. Did any of the jobs that you held  
13 subsequent to working at FedEx ask for any job  
14 references?

15 A. No.

16 Q. Since leaving FedEx, has any member or  
17 employee of FedEx provided you with any job  
18 reference or recommendation?

19 A. No.

20 Q. Why did you leave CNK?

21 A. For a position with UPS.

22 Q. Did you voluntarily leave CNK?

23 A. Yes. I did.

24 Q. Why did you leave UPS?

25 A. For a -- well, UPS, the first time, it was

1 seasonal.

2 Q. Okay. So at the end of the seven months

3 --

4 A. Yes.

5 Q. When you started working at UPS, you knew  
6 that your position would end seven months later?

7 A. Yes.

8 Q. Okay. Why did you leave Gotham Greens?

9 A. For a position with Yellow YRC Freight in  
10 Maryland.

11 Q. And you said you left Yellow because it  
12 went bankrupt, correct?

13 A. Yes.

14 Q. Do you know if Yellow was bought by  
15 another company --

16 A. No. They weren't bought out.

17 Q. -- as part of the bankruptcy?

18 A. No.

19 Q. Okay. Okay. And I'm sorry, you said  
20 after Yellow you went back to UPS, correct?

21 A. Yes.

22 Q. Why did you leave UPS the second time?

23 A. It was also seasonal.

24 Q. Did you tell all of your employers after  
25 FedEx that you had previously worked for FedEx?

1 A. Yes.

2 Q. Did you ever disclose to your subsequent  
3 employers the reason for you separating your  
4 employment with FedEx?

5 A. No. It was never -- it was never asked.

6 Q. When did you begin working at FedEx?

7 A. I began working at FedEx, I want to say,  
8 June of 2013.

9 Q. When did you stop working at FedEx?

10 A. In June of 2021.

11 Q. Why?

12 A. I was -- I was terminated.

13 Q. Why were you terminated?

14 A. Ethical reasons. Broke a --

15 Q. You said --

16 A. -- code of ethic.

17 Q. You broke a code of ethics?

18 A. Yes.

19 Q. What are you referring to?

20 A. It was a -- it was a case of -- where I --  
21 I recorded something in -- in doing my work that I  
22 shouldn't have -- that I shouldn't have done.

23 Q. Was it the first time you had done that?

24 A. No.

25 Q. How many times prior had you done that?

1 A. A few times. I can't -- I can't give you  
2 an exact number.

3 Q. Are you the only person who ever did that  
4 at FedEx?

5 A. I'm not sure.

6 Q. Okay. Specifically, what --

7 A. I can't --

8 Q. Go ahead.

9 A. Go ahead. No, no.

10 Q. Okay. Specifically, what -- what did you  
11 do? Can you provide more detail?

12 A. I can't provide any more detail. All I  
13 could give you is that it was a -- broke code of  
14 ethics. That's why I was terminated.

15 Q. What specifically did you do?

16 A. I feel like that's the same question you  
17 just asked. But, again, I broke a code of ethics  
18 per FedEx policy, and that's why I was terminated.

19 Q. I'm asking specifically what you did to  
20 break this code of ethics.

21 MR. MCGAHA: Object to form. You can  
22 answer, Mr. Bovell.

23 THE DEPONENT: Oh, it was -- what is the  
24 word I'm looking for? I can't remember the exact  
25 verbiage, but it - - it had to do with putting a --

1 a certain kind of scan on -- on -- on the packages  
2 that weren't allowed unless it was an actual  
3 holiday. So I -- I believe it was called -- it - -  
4 it some type of -- some type of fraudulent scan.  
5 That's the best way I can remember it.

6 **BY MS. MASSIMI:**

7 **Q. Why did you do that?**

8 A. It was -- it was a means of us avoiding --  
9 well, training new employees came -- came with a lot  
10 of -- with a lot of -- a lot of issues, and that was  
11 a means of if these guys were messing up, it was  
12 kind of -- it's a -- it's a way of hiding it.

13 **Q. How is it -- what are you hiding --**

14 A. It was just --

15 **Q. -- when you do that?**

16 A. You're hiding an actual scan. So if a  
17 package is late, you're really saying that it's not  
18 late.

19 **Q. You did that to cover for someone else?**

20 A. Yes, for -- for newer employees that  
21 didn't know the job yet.

22 **Q. So what did this newer employee do that**  
23 **you had to cover --**

24 A. No.

25 **Q. -- for?**

1 A. Newer. Newer employees. Multiple  
2 employees.

3 Q. Right. So I -- my understanding is that  
4 you did something with one scan. Is that incorrect?

5 A. Yes.

6 Q. Was it multiple scans?

7 A. No. It -- it's one scan with multiple  
8 packages.

9 Q. Right. So can you please explain that to  
10 me how that works?

11 A. It's -- you have a certain -- certain time  
12 to deliver your packages by. If you are going  
13 beyond that time, it shows up on a report as late.  
14 So what I did was use a scan not authorized to be  
15 used, unless it was a holiday, to scan those  
16 packages so that they won't show up late.

17 Q. And to be clear, you did that to cover for  
18 a group of newer employees?

19 A. Newer employees, yes, because they had  
20 trouble delivering. They had -- they were -- they  
21 had a lack of area knowledge. So it took them  
22 longer times to deliver these packages.

23 Q. When did that scan happen?

24 A. I'm not -- I don't -- I'm not -- I can't  
25 remember that.

1 Q. Was it -- what month was it? May? June?

2 Something else?

3 A. I know it -- I want to say maybe March.

4 Q. March?

5 A. March -- March, April, something like  
6 that.

7 Q. Of 2021?

8 A. Of 2021, yes. That's when we got the  
9 newer -- there was about -- I want to say, about 30-  
10 something new, brand-new employees.

11 Q. When did you first learn that you were  
12 going to be reprimanded for this or that this was an  
13 issue, this specific incident that you're describing  
14 to me?

15 A. When did I -- I -- I really can't recall.  
16 I just know it -- my boss called me into his office  
17 and said that something was seen with my name and ID  
18 number on it. A scan was seen with my name and ID  
19 on it. It was investigated. It was -- it was shown  
20 that I've done it a couple of times prior, and for  
21 that reason is why I was terminated.

22 Q. When you say your boss called you into his  
23 office, are you referring to Eric Warnders?

24 A. Yes.

25 Q. Do you recall approximately when Eric

1 Warnders called you into his office to deliver that  
2 information to you?

3 A. As -- I'm not sure the time, but I'm  
4 guessing as soon as he got an email from whoever let  
5 him know that that was going on.

6 Q. When you say he -- when "that that was  
7 going on," is this something that you were doing on  
8 a daily basis, or is this something that you did a  
9 few times during the course of your employment with  
10 FedEx?

11 A. This is something I did a few times over  
12 the time span I just gave you.

13 Q. You were not the only person who -- who  
14 did this --

15 MR. MCGAHA: Object --

16 BY MS. MASSIMI:

17 Q. -- correct, Mr. Bovell?

18 MR. MCGAHA: Object to form.

19 THE DEPONENT: I'm not sure about that. I  
20 can't answer that.

21 BY MS. MASSIMI:

22 Q. Are you represented by an attorney today?

23 A. No, I'm not.

24 Q. You're not represented by an attorney  
25 today?



1 A. No.

2 Q. Okay. Have you met with an attorney in  
3 connection with this deposition?

4 A. No, I have not.

5 Q. Have you spoken with an attorney in  
6 connection with this deposition?

7 A. No, I have not.

8 Q. When you parted ways with FedEx, did you  
9 sign anything?

10 A. Yeah. I remember signing that -- the  
11 reason why I was being terminated.

12 Q. Did FedEx provide you with any severance?

13 A. No.

14 Q. Did FedEx agree to provide you any neutral  
15 reference or recommendation, positive or neutral, I  
16 should say?

17 A. No. No.

18 Q. Okay. How did you know to do this scan  
19 that you've described? How did you know about that  
20 to even do it?

21 A. I learned it when I was a courier before I  
22 became a manager. And we would put those scans on  
23 holidays when -- actual holidays.

24 Q. Prior to you doing this, as you've just  
25 described as a manager, did you ever -- did anyone

1 ever do that for you?

2 A. No.

3 Q. No one ever did that for you when you were  
4 a courier or a new employee with FedEx?

5 A. No.

6 Q. And your testimony is that you don't know  
7 whether any other FedEx employee has ever done what  
8 you were terminated for?

9 A. No. I don't -- I wouldn't know.

10 Q. Uh-huh. Do you know the name of the  
11 plaintiff in this case?

12 A. Kevin Campbell. Yes, I do.

13 Q. How do you know Kevin?

14 A. He was a -- he was a peer of mine, I  
15 believe, and then -- as couriers, and then I became  
16 his manager. I can't -- I can't even -- I don't  
17 even remember the exact time that I became his  
18 manager.

19 Q. What was your working relationship like  
20 with Kevin?

21 A. It was a great relationship. We never had  
22 any issues. We spoke -- we spoke every morning. If  
23 he -- if he -- if he was running late, I covered his  
24 position until he got there. We said, "Hi. Hello.  
25 How you doing?" Probably talk basketball or

1 something of the sort, and then just continue  
2 working.

3 **Q. Is he a hard worker?**

4 A. Yes. Kevin was definitely a hard worker.

5 **Q. Did you find him to be -- how was his**  
6 **disposition? Aggressive, personable, how would you**  
7 **describe his manner of being when he was at work?**

8 A. Personable. He was not -- he wasn't  
9 aggressive - - he wasn't an aggressive person. Very  
10 nice. Cordial. Just a, yeah, standard nice guy.

11 **Q. Uh-huh.**

12 A. Yeah.

13 **Q. Do you know whether -- or did any other**  
14 **employees ever complain to you about Kevin?**

15 A. No.

16 **Q. Do you know who Augusto Alzate is?**

17 A. Yes, I do.

18 **Q. Did Augusto ever complain about Kevin as**  
19 **far as you know?**

20 A. No. They -- he's never complained to me  
21 about Kevin, no.

22 **Q. Do you know whether he's complained to**  
23 **anyone about Kevin?**

24 A. No. I wouldn't -- I'm not aware of that.

25 **Q. When were you Kevin's manager?**

1 A. I became Kevin -- Kevin's manager, I want  
2 to say, maybe August of -- August of 2020, if I'm  
3 not mistaken.

4 Q. Okay. And you and Kevin had previously  
5 worked as peers, I think you said; is that correct?

6 A. Yes. If I remembered right. Because he  
7 came from a company that FedEx bought out called  
8 TNT. And I believe shortly -- that was shortly  
9 before I became a manager. I could be mistaken, but  
10 I do believe that we were peers together.

11 Q. And, eventually, you were promoted to an  
12 employment level above him, correct?

13 A. Yes.

14 Q. Did you find Kevin to be respectful of  
15 your authority?

16 A. Yeah, absolutely, yes.

17 Q. Did you ever witness Kevin behaving  
18 disrespectful to any of the supervisors or managers?

19 A. No. I've never witnessed that.

20 Q. Did you ever observe any unprofessional  
21 behavior from Kevin?

22 A. No.

23 Q. Did you ever observe any unprofessional  
24 behavior from Augusto Alzate?

25 A. No.

1           **THE REPORTER:** I didn't hear anything --

2           **THE DEPONENT:** I'm sorry. Did you --

3           **THE REPORTER:** -- for that question. Can

4 you --

5           **THE DEPONENT:** Yeah.

6           **THE REPORTER:** -- please repeat that? We

7 cannot hear you.

8           **MR. MCGAHA:** Monty, are you speaking?

9           **THE DEPONENT:** Yeah. I'm -- I'm here. I  
10 just can't hear her.

11           **THE REPORTER:** Okay.

12           **THE DEPONENT:** I can't hear --

13           **MR. MCGAHA:** Yeah.

14           **THE REPORTER:** Let's go off the record for  
15 a minute. It is 10:40 a.m. We are going off the  
16 record.

17           **(WHEREUPON, a recess was taken.)**

18           **THE REPORTER:** Okay. It is 10:40 a.m. We  
19 are back on the record.

20           **MS. MASSIMI:** Okay. I'm sorry? What was  
21 the last question?

22           **THE REPORTER:** The last question was  
23 whether the deponent ever observed any  
24 unprofessional behavior from Augusto Alzate.

25           **MS. MASSIMI:** Oh, okay. So I guess --

1 well, no, then I think what I asked was -- maybe  
2 this probably was not heard.

3 **BY MS. MASSIMI:**

4 **Q. Do you know what Kevin Campbell is**  
5 **alleging in this lawsuit?**

6 A. Yes, I do.

7 **Q. What is Kevin Campbell alleging?**

8 A. If I'm not -- if I'm not mistaken, it's  
9 termination for -- he's being discriminated against,  
10 and that's why he was terminated.

11 **Q. How do you know that?**

12 A. I was told that.

13 **Q. By who?**

14 A. When I got the -- the deposition. I had  
15 to show up for a deposition.

16 **Q. Right. But who -- who told you that**  
17 **that's what this lawsuit was about? Was it what you**  
18 **read on a subpoena -- the subpoena? Or did someone**  
19 **else tell you --**

20 A. No.

21 **Q. -- or something --**

22 A. I read it on -- it was read on a subpoena  
23 --

24 **Q. Have you ever spoken --**

25 A. -- in an email.

1 Q. Sorry. Right. Has -- have you ever  
2 spoken with Mr. McGaha about this lawsuit?

3 A. I've spoken with Gabriel, yes.

4 Q. What did -- what conversations did you  
5 have with Mr. McGaha about this lawsuit?

6 A. It was just concerning what the lawsuit  
7 was about. And he wanted to ensure that I showed up  
8 for whatever -- for this deposition at whatever time  
9 it was going to happen because I had a problem. I  
10 think it was supposed to be in New York, but I  
11 couldn't come to New York. So that's -- that's  
12 about the extent of our conversation.

13 Q. Okay. I don't recall -- I don't know that  
14 your deposition was ever supposed to be in New York,  
15 but I suppose it's neither -- it's not an issue at  
16 the moment.

17 How many times have you spoken with Mr.  
18 McGaha about this case?

19 A. Maybe three times. But it -- it's really  
20 based off the fact that whenever he calls, he never  
21 got me because I work overnight. And he would  
22 contact me, like, during the day, so I wouldn't hear  
23 the phone or answer. So that's really the reason  
24 why we spoke a couple of times.

25 Q. Right. Okay. Do you understand that you

1 are not a defendant in this lawsuit?

2 A. I understand that.

3 Q. Were you at work on May 18th, 2021?

4 A. Is that the day of the incident?

5 Q. When you say, "Is that the" -- well, do  
6 you mean -- are you asking me if that was the date  
7 of the encounter between Augusto Alzate and Kevin  
8 Campbell? Is that what you're asking?

9 A. Yes.

10 Q. Well, were you at work on that day?

11 A. Yes, I was.

12 Q. Do you recall whether there was a GFT  
13 related to this incident?

14 A. Yes. There was a GFT.

15 Q. Do you know why?

16 A. Because Kevin filed a GFT because he  
17 believed that he was wrongfully terminated.

18 Q. Who conducted the GFT investigation?

19 A. Nan Malebranche and her team.

20 Q. What race is Nan Malebranche?

21 A. She is a white female.

22 Q. When you say "Nan Malebranche and her  
23 team," what are you -- who's her team?

24 A. I'm guessing she -- she has an assistant  
25 that would gather all the information that she



1 needed. So that's what I'm calling the team.

2 **Q. Her assistant.**

3 A. Yes.

4 **Q. Do you know, is it a man or a woman, or do**  
5 **you know this person's gender?**

6 A. It's a -- it's a woman.

7 **Q. Nan has -- okay. Nan has an assistant**  
8 **that you believe assisted in the GFT process?**

9 A. Not assisted. She just gathered  
10 information from me. Because how it works is that  
11 he -- he files a GFT and I gather all my information  
12 needed, be -- be statement, termination letter from  
13 HR, all that stuff, and I send it to them.

14 **Q. What information did you send to them?**

15 A. It would be his statement, the termination  
16 letter. Whatever was involved in -- whatever  
17 information was taken after the incident happened.

18 **Q. You're referring to your interoffice**  
19 **memorandum, correct?**

20 A. Yes.

21 **Q. You wrote two interoffice memorandums,**  
22 **correct?**

23 A. I'm not sure.

24 **Q. Have you reviewed any documents in**  
25 **preparation for today's deposition?**

1 A. No. I don't have any document at my  
2 disclosure.

3 MS. MASSIMI: Sorry. This is from my  
4 kid's school. Just give me a second.

5 BY MS. MASSIMI:

6 Q. You said you didn't review any documents  
7 in preparation for this deposition?

8 A. No.

9 Q. Did you provide Nan Malebranche with any  
10 information other than the information contained in  
11 your interoffice memorandums?

12 A. No, I did not. It was just that  
13 information.

14 Q. Did you ever tell Nan Malebranche that  
15 Kevin Campbell incited the incident with Augusto  
16 Alzate?

17 A. No. I never spoke to Nan about it one-on-  
18 one, no.

19 Q. Did you ever tell anyone that Kevin  
20 Campbell incited the incident with Augusto Alzate?

21 A. No.

22 Q. Did you ever tell -- actually, did you  
23 ever determine that Kevin Campbell behaved  
24 aggressively related to this incident with Augusto  
25 Alzate?

1           **MR. MCGAHA:** Object to form.

2           **MS. MASSIMI:** You can -- you can answer.

3           **THE DEPONENT:** Oh, I'm sorry. Repeat the  
4 question again.

5 **BY MS. MASSIMI:**

6           **Q.** Well, did you ever tell anyone that Kevin  
7 Campbell behaved aggressively towards Augusto  
8 Alzate?

9           **A.** No. I never told that to anyone.

10          **Q.** Do you believe that Kevin Campbell behaved  
11 aggressively towards Augusto?

12          **MR. MCGAHA:** Object to form.

13          **MS. MASSIMI:** You can answer.

14          **THE DEPONENT:** After -- after reviewing --  
15 reviewing the video with security, yes, I believe  
16 that he was aggressive.

17 **BY MS. MASSIMI:**

18          **Q.** After reviewing the video with security?

19          **A.** Yes.

20          **Q.** When was that?

21          **A.** After they -- after they were suspended  
22 because of the incident. Later on that day,  
23 security came, we reviewed the footage of the  
24 incident as it happened, and I determined that Kevin  
25 was aggressive.

1 Q. You didn't make that determination until  
2 after Kevin filed his GFT step one, correct?

3 MR. MCGAHA: Object to form.

4 THE DEPONENT: No. I made that -- I made  
5 that -- that observation when I reviewed the video,  
6 like I just said.

7 BY MS. MASSIMI:

8 Q. Which was when?

9 A. That was the same day the incident  
10 happened.

11 Q. You reviewed the video the same day the  
12 incident happened --

13 A. Yes.

14 Q. -- is that what you're saying?

15 A. Yes.

16 Q. And then is that when you then drafted  
17 your first interoffice memorandum after reviewing  
18 the video?

19 A. Yes.

20 Q. Did you review the video prior to  
21 suspending Kevin Campbell?

22 A. No. When the incident happened, they were  
23 -- because of the incident, they were both  
24 suspended.

25 MS. MASSIMI: Can you please show Exhibit

1 1, Ms. Zavodny? Is that how we should do this? You  
2 -- you show the exhibit, I guess, or do you want me  
3 to show it?

4 **THE REPORTER:** You are actually able to  
5 share the screen, yes.

6 **MS. MASSIMI:** Okay. No problem. Let me  
7 just pull this up.

8 **BY MS. MASSIMI:**

9 **Q. Okay. Mr. -- I'm sorry. It's Bovell,**  
10 **correct?**

11 **A. Yes.**

12 **Q. Okay. Mr. Bovell, are you able to see the**  
13 **document that I think --**

14 **A. Yes, ma'am.**

15 **Q. -- that I think I'm sharing. It's -- has**  
16 **a stamp --**

17 **A. Yes.**

18 **Q. Okay. It has -- it's a one-page document.**  
19 **It has a stamp at the bottom bearing ESI 48. Do you**  
20 **see that?**

21 **A. Yes.**

22 **(WHEREUPON, Exhibit 1 was marked for**  
23 **identification.)**

24 **BY MS. MASSIMI:**

25 **Q. We're -- we're marking this document for**

1 purposes of today as Plaintiff's Exhibit 1. Do you  
2 recognize this document?

3 A. Yes.

4 Q. Can you please read this document to --  
5 oh, what is this document?

6 A. This is the suspension -- the suspension  
7 letter.

8 Q. So to be clear, did you write -- did you  
9 draft this document prior to viewing the video?

10 A. Yes.

11 Q. Can you please review this document to  
12 yourself? Read it to yourself silently and let me  
13 know when you're done?

14 A. Yeah. I'm done.

15 Q. Have you now had a chance to read the  
16 entirety of the document bearing stamp ESI 48 that  
17 we've marked for purposes of today's Plaintiff's  
18 Exhibit 1?

19 A. Yes.

20 Q. Is the information contained in this  
21 document accurate?

22 A. Yes.

23 Q. Does this document state that Kevin  
24 Campbell was aggressive?

25 A. No. It doesn't state that.

1 Q. Okay. I'm going to show you another  
2 document.

3 Okay. Mr. Bovell, I think I'm showing you  
4 another document now. Do you see it --

5 A. Yeah.

6 Q. -- bearing stamp ESI 49?

7 MS. MASSIMI: We're going to mark it for  
8 purposes of today as Plaintiff's Exhibit 2.

9 (WHEREUPON, Exhibit 2 was marked for  
10 identification.)

11 BY MS. MASSIMI:

12 Q. Do you recognize this document?

13 A. Yes.

14 Q. What is this document?

15 A. That is the termination letter.

16 Q. When you drafted this document, had you  
17 reviewed the video that you're referring to?

18 A. Yes.

19 Q. Had Kevin Campbell filed his GFT step one  
20 at this point?

21 A. No.

22 Q. Can you please read this document to  
23 yourself and let me know when you're done?

24 A. I'm done.

25 Q. Mr. Bovell, have you now had -- now had an

1 opportunity to read the entire contents of the  
2 document in front of you bearing stamp ESI 49 that  
3 we've marked for purposes of today as Plaintiff's  
4 Exhibit 2?

5 A. Yes.

6 Q. Is the information contained in this  
7 document accurate?

8 A. Yes.

9 Q. Does this document state that Kevin  
10 Campbell was aggressive?

11 A. No. It -- it doesn't. It doesn't state  
12 that he was aggressive.

13 Q. That word was added later, right?

14 MR. MCGAHA: Object to form.

15 THE DEPONENT: Added by whom?

16 BY MS. MASSIMI:

17 Q. Well, you tell me. Where did that word  
18 come from?

19 A. That's just the word that I use based on  
20 the -- the interaction between him and Augusto.

21 Q. Well, it's -- it's not in this document  
22 that you're looking at right now, correct?

23 A. Right. That -- that -- that behavior --  
24 that behavior -- that's -- it's -- it's in there  
25 with the disruptive behavior.



1 Q. What do you mean it's in there with the  
2 disruptive behavior?

3 A. That's what the -- I'm using the word  
4 "aggressive," but it was the disruptive behavior.

5 Q. You did not use the word aggressive in  
6 your May 25th termination memo, correct?

7 A. No.

8 Q. You did not choose to use that word until  
9 later, correct?

10 MR. MCGAHA: Object to form.

11 THE DEPONENT: Later when?

12 BY MS. MASSIMI:

13 Q. You tell me. Did there come a point in  
14 time when you chose to use that word "aggressive"?

15 A. No. I said to -- I'm speaking to you this  
16 morning. I said his behavior was aggressive towards  
17 Augusto. But --

18 Q. You --

19 A. -- in this -- in this termination letter,  
20 he was terminated for disruptive behavior --

21 Q. Why --

22 A. -- according to FedEx policy.

23 Q. Why are you now, three years later,  
24 choosing to use the word "aggressive"?

25 A. Again, if you want me to take the word

1 "aggressive" back, I can say "disruptive behavior."

2 It's -- I'm not saying --

3 Q. Sir, you are free --

4 A. I just use the word "aggressive."

5 Q. Sir, you are free to take the word

6 aggressive back if you believe --

7 A. Okay.

8 Q. -- that that word should not have been

9 used. That's your choice.

10 A. I'm looking at -- fair enough.

11 Q. I mean, what I'm asking you is this

12 document that you're looking at, the termination

13 memo, at the time you wrote this termination

14 interoffice memorandum, Kevin Campbell had not filed

15 his GFT step one yet, correct?

16 A. Right.

17 Q. And you did not use the word "aggressive"

18 in this interoffice memorandum, correct?

19 A. No.

20 Q. Did anyone tell you to use the word

21 aggressive in this memo?

22 A. No. No one told me that -- to use the

23 word "aggressive."

24 Q. Do you know whether there was a security

25 investigation conducted related to this incident?

1 A. Yes, there was.

2 Q. Do you know who conducted that  
3 investigation?

4 A. Yes. FedEx Security Officer James Cahill.

5 Q. Do you believe that that investigation was  
6 thorough and fair?

7 A. Yes, I do.

8 Q. Do you believe that Mr. Cahill's  
9 conclusions were correct?

10 MR. MCGAHA: Object to form.

11 MS. MASSIMI: You can answer, sir.

12 THE DEPONENT: Yeah. Mr. Cahill didn't  
13 have a conclusion. He just provided me the evidence  
14 after --

15 BY MS. MASSIMI:

16 Q. He provided you -- I'm sorry.

17 A. Sorry. Go ahead.

18 Q. No. I'm sorry. Go ahead.

19 A. Said he provided me the evidence of --  
20 well, the footage of what happened.

21 Q. What did you do with that evidence?

22 A. I reviewed it and determined that Kevin  
23 was -- his -- his behavior was disruptive.

24 Q. Did you review James Cahill's security  
25 investigative report prior to terminating Kevin?

1 A. Yes.

2 Q. Did you review the final copy of the  
3 security investigative report prior to terminating  
4 Kevin?

5 A. Yes.

6 (WHEREUPON, Exhibit 3 was marked for  
7 identification.)

8 BY MS. MASSIMI:

9 Q. Okay. I'm going to show you Exhibit 3.

10 Okay. Again, I think I'm showing you a  
11 document, but you'll let me know if it's not there.  
12 I think you see it, right?

13 A. Yeah, it's there.

14 Q. Okay. It's a document bearing stamps ESI  
15 962 to 966 that we're marking for purposes of today  
16 as Plaintiff's Exhibit 3. Do you see this document,  
17 Mr. Bovell?

18 A. Yes, I do.

19 Q. What is this document?

20 A. This is security's investigative report.

21 Q. Is this the document you reviewed prior to  
22 issuing Kevin Campbell his termination letter?

23 A. Yes.

24 Q. Okay. I'm just going to --

25 A. This was -- this was along with the video

1 footage.

2 Q. Right. Can you just -- I'm going to  
3 scroll down to the last page. Do you see this here?

4 A. Yes.

5 Q. You see the last line where it says, "On  
6 May 25th, 2021, both Alzate and Campbell were  
7 terminated at the direction of Warnders for  
8 violation" --

9 A. Yes.

10 Q. -- "of FedEx Express Policy 2-5"? Do you  
11 see that?

12 A. Yes.

13 Q. Is this accurate?

14 MR. MCGAHA: Object to form.

15 THE DEPONENT: I'm sorry. Say that again.

16 BY MS. MASSIMI:

17 Q. Is that portion of Mr. Cahill's security  
18 investigative report accurate?

19 A. Yes. It's accurate. But this  
20 determination was made from -- by me, and I believe  
21 whoever was Augusto's -- Augusto's manager at -- at  
22 the time.

23 Q. Where does it say that in this report?

24 A. It doesn't say that in this report. I  
25 don't know why, but that's what -- that's how it

1 works.

2 **Q. That's how what works?**

3 A. That's -- that's how FedEx policy works.  
4 The manager reviews whatever it is that happened  
5 based on security's -- security's investigative  
6 report. And then we go over policy. If it  
7 determines that the employee has violated FedEx  
8 policy, then we -- we deal -- we deal out the  
9 termination, and we send it to our boss who is Eric  
10 Warnders.

11 **Q. Sorry. I'm not understanding the**  
12 **timeline. I thought you said that you had not made**  
13 **the decision to terminate Kevin Campbell until after**  
14 **you reviewed the security investigative report.**

15 A. That's -- that's exactly what I said.

16 **Q. Okay.**

17 A. I -- we'd review -- we'd review. Upon  
18 completion of reviewing that report from security,  
19 we went over policy. And if it's determined that an  
20 employee violated FedEx policy that is up to our  
21 equal in termination, then that's a step that we  
22 took.

23 After we did the termination letter. Then  
24 we would send it to our boss, who was Eric, and the  
25 HR department.

1 Q. But you didn't draft the termination  
2 letter until you read this security investigative  
3 report, correct?

4 A. Right.

5 Q. And you read the security investigative  
6 report, and it said that Campbell was terminated at  
7 the direction of Eric Warnders, correct?

8 A. That -- that's what they said, but that  
9 wasn't the case.

10 Q. Oh, okay. So the security investigative  
11 report is not accurate?

12 A. I can't say that that part of it is.

13 Q. And you're saying it's not accurate  
14 because Warnders, according to you, had in fact not  
15 directed the termination?

16 A. No. He did not direct the termination.  
17 What he does is -- if -- if it's -- if he -- we --  
18 we justify the termination, then we send it up to  
19 himself and HR, and if they determine that it's --  
20 it's -- it's warranted, then they -- it -- it moves  
21 forward.

22 If not, then they send it back to me. And  
23 if it's determined, oh, it's just a warning letter  
24 instead of termination, something to that effect,  
25 then that's the step that we take.

1 Q. So Eric Warnders, to your knowledge,  
2 determined that Kevin Campbell's termination was  
3 warranted, correct?

4 A. Yeah. Along with HR, yes.

5 Q. When -- did he make that determination  
6 prior to this security investigative report being  
7 written?

8 A. No.

9 Q. Then why does the security investigative  
10 report state that Campbell was terminated at the  
11 direction of Eric Warnders? I'm not --

12 A. I don't know.

13 Q. -- understanding that.

14 A. Maybe that's just a summary. I'm not --  
15 I'm not sure.

16 Q. Is it a summary of something that didn't  
17 happen?

18 MR. MCGAHA: Object to form.

19 THE DEPONENT: I can't say. What I'm  
20 saying, it's a summary based on after determination.  
21 Maybe security just put that in his report.

22 BY MS. MASSIMI:

23 Q. Why would security put that in his report  
24 if it hadn't happened?

25 A. I don't know. My name should be on there



1 along with Erics' and --

2 Q. Why --

3 A. -- and the HR department.

4 Q. Why isn't it on there?

5 MR. MCGAHA: Object to form.

6 THE DEPONENT: Again, I'm not sure.

7 That's -- you'd have to take that up with security.

8 BY MS. MASSIMI:

9 Q. Well, I'm asking you if you ever took it  
10 up with security?

11 A. No.

12 Q. Did you ever tell security, "Hey, this  
13 report is wrong"?

14 A. No. I didn't --

15 MR. MCGAHA: Object to form.

16 THE DEPONENT: I did not review this part  
17 of the security report. I wasn't even attentive to  
18 that part.

19 BY MS. MASSIMI:

20 Q. Sir, I believe I asked you before if you  
21 reviewed this security report prior to issuing the  
22 termination letter. Do you recall me asking you  
23 that?

24 A. Yeah. Yes, I do.

25 Q. I believe you said that you reviewed this

1 security investigative report prior to issuing your  
2 termination letter. Do you recall --

3 A. Yes.

4 Q. Okay. Did you mean that you reviewed only  
5 part of this document?

6 A. I reviewed the -- the part of the document  
7 that -- that was needed for the -- the actual  
8 incident that happened.

9 Q. So what part of the document did you  
10 review?

11 A. Which was getting the footage and whatever  
12 -- whatever that was -- whatever is in there that  
13 actually happened. When it came to the -- the part  
14 that you're addressing, I don't know. I just -- I  
15 probably just read past that. But I'm giving you  
16 how the system at FedEx works when it comes to  
17 termination.

18 Q. I'm not asking you how the system at FedEx  
19 works. I do appreciate what you're saying. I  
20 understand what you're saying, which is that,  
21 essentially, you had to run it by Eric Warnders for  
22 approval, correct?

23 MR. MCGAHA: Object to form.

24 THE DEPONENT: Correct.

25 MR. MCGAHA: Object to form.

1 MS. MASSIMI: I'm sorry, sir?

2 MR. MCGAHA: Object to form.

3 THE DEPONENT: Correct.

4 MS. MASSIMI: I'm sorry, sir? Correct?

5 MR. MCGAHA: Object to form.

6 THE DEPONENT: Yes.

7 MS. MASSIMI: Mr. McGaha, I can't hear the  
8 witness.

9 BY MS. MASSIMI:

10 Q. Is that correct, sir?

11 MR. MCGAHA: I'm objecting to form.

12 MS. MASSIMI: We -- we -- we got the  
13 objection, Mr. McGaha. I can't hear the --

14 MR. MCGAHA: I understand that, but --  
15 slow down. You're asking the questions. I get --

16 MS. MASSIMI: Mr. McGaha, that's -- Mr.  
17 McGaha, I'm not going too fast. I can't hear what  
18 the witness is saying because you're repeatedly  
19 saying "objection." You just need to say  
20 "objection" once.

21 MR. MCGAHA: No, I don't. I'm going to  
22 object --

23 MS. MASSIMI: Mr. McGaha --

24 MR. MCGAHA: -- every time that the  
25 question is asked.

1           **MS. MASSIMI:** I -- I didn't re-ask it. I  
2 said I couldn't hear him.

3           **MR. MCGAHA:** All right. Well --

4           **MS. MASSIMI:** So did you get the witness's  
5 response, ma'am?

6           **THE REPORTER:** I have the witness's  
7 response as, "Correct."

8           **MS. MASSIMI:** Great. Thank you.

9           **MR. MCGAHA:** And I haven't -- do you have  
10 my objection in there, ma'am?

11           **THE REPORTER:** Yes, sir, I have your  
12 objection.

13           **MR. MCGAHA:** Thank you.

14 **BY MS. MASSIMI:**

15           **Q.** I'm going to go through this document  
16 piece by piece still. You can still -- you can see  
17 this document, correct, Mr. Bovell?

18           **A.** Yes, I can.

19           **Q.** Okay. So you -- did you review the  
20 investigative summary portion of this document prior  
21 to issuing the termination letter?

22           **A.** Yes, I did.

23           **Q.** Did you review the entirety of the portion  
24 of the document under this heading prior to issuing  
25 your termination letter?

1 A. Yes, I did.

2 Q. The part where it says investigative  
3 details and factual findings. Did you review the --  
4 the entire portion of this document prior to issuing  
5 your termination letter?

6 A. Yes, that's correct.

7 Q. I guess what I'm not understanding is the  
8 -- the rest of this document is contained under that  
9 heading. So where are you claiming that you  
10 possibly stopped reading prior to issuing your  
11 termination letter?

12 MR. MCGAHA: Object to form.

13 THE DEPONENT: I never -- I never claimed  
14 to stop reading. I said I wasn't attentive towards  
15 the -- the bottom, the end of the statement that  
16 starts with, "On May 25th 2021."

17 BY MS. MASSIMI:

18 Q. When you say you were not attentive to  
19 that sentence, what do you mean by that?

20 A. Like I said, if -- if -- if James Cahill  
21 wrote this statement correctly, then it should've  
22 been my name along with Eric's name and HR that  
23 determined that the employee's going to be  
24 terminated.

25 Q. Well, this doesn't say that there was a --

1 this says that Campbell was terminated at the  
2 direction of Warnders, correct?

3 A. Right. Yes, that's what it said.

4 Q. Do you believe that this statement is  
5 incorrect or incomplete?

6 A. I believe --

7 MR. MCGAHA: Object to form.

8 THE DEPONENT: I believe the statement is  
9 -- it is not incomplete. See, once again, I don't -  
10 - I'm thinking that that last sentence has to do  
11 with a summary of everything that happened. It's  
12 just under Eric's name.

13 BY MS. MASSIMI:

14 Q. So this sentence is correct?

15 MR. MCGAHA: Object to form.

16 THE DEPONENT: Yeah. Once, again, I would  
17 say it's correct if you're summarizing everything  
18 that happened.

19 BY MS. MASSIMI:

20 Q. Why would one need to summarize this  
21 simply to omit your name?

22 MR. MCGAHA: Object to form.

23 THE DEPONENT: I'm not sure what -- all  
24 I'm saying to you is I gave you the steps in which  
25 FedEx -- which we're -- we're trained to -- on how

1 the policy behind terminating an employee, right,  
2 which is through me, the manager. After the  
3 termination is completed, I send it up to HR and  
4 Eric, my boss at the time, and they determine the  
5 direction it goes from there.

6 **BY MS. MASSIMI:**

7 **Q. This statement that begins May 25th, 2021,**  
8 **that doesn't reflect those steps that you just**  
9 **described, correct?**

10 **A. Right.**

11 **MR. MCGAHA: Object to form.**

12 **THE DEPONENT: Right. And I'm not sure**  
13 **that that's supposed to be in Cahill's report, but**  
14 **I'm telling you what FedEx policy is.**

15 **BY MS. MASSIMI:**

16 **Q. Okay. But this is not necessarily**  
17 **reflective of FedEx policy, correct?**

18 **MR. MCGAHA: Object to form.**

19 **THE DEPONENT: No.**

20 **MS. MASSIMI: Right.**

21 **THE DEPONENT: Not in detail it's not.**

22 **BY MS. MASSIMI:**

23 **Q. Did you ever tell anyone that there were**  
24 **any issues with this report?**

25 **A. No.**

1 Q. Did you ever tell anyone, "Hey, this  
2 report is missing information"?

3 MR. MCGAHA: Object to form.

4 THE DEPONENT: No.

5 BY MS. MASSIMI:

6 Q. Did you ever tell anyone, "Hey, you need  
7 to fix something that's in this report; it's  
8 incorrect"?

9 MR. MCGAHA: Object to form.

10 THE DEPONENT: No.

11 BY MS. MASSIMI:

12 Q. Did you ever write that down to anyone?  
13 Did you ever send anyone an email saying this report  
14 is missing information? You have to put something  
15 else in there?

16 MR. MCGAHA: Object to form.

17 THE DEPONENT: No. I've -- I've never  
18 said that to anyone in any -- by any means.

19 BY MS. MASSIMI:

20 Q. If you had believed that there was  
21 something incorrect with this report, would you have  
22 told someone?

23 A. I would have.

24 Q. Did you speak to Augusto Alzate about this  
25 incident?



1 A. No. No, I don't -- I don't recall  
2 speaking to Augusto about the incident.

3 Q. Did you listen to Augusto's -- any  
4 interviews from Augusto about this incident?

5 A. No.

6 Q. Did you read any written statements from  
7 Augusto about this incident?

8 A. No.

9 Q. Did you ever determine that Kevin's  
10 actions placed Augusto in imminent fear for his  
11 personal safety?

12 A. No.

13 Q. Did you ever write that in any of your  
14 memos related to this incident?

15 A. No.

16 Q. Did you ever determine that Kevin's  
17 actions placed any employee in imminent fear for  
18 their personal safety?

19 A. No. I've never written that.

20 Q. Okay. Okay. I'm showing you a document.

21 MS. MASSIMI: I'm sorry, ma'am. It looks  
22 like I've skipped an exhibit, but I'm showing him  
23 Exhibit 5. I'm showing him a document that I emailed  
24 to you as Exhibit 5. You can mark it as Exhibit 4  
25 when you're doing this, if you want, but it's

1 bearing stamp ESI 46.

2 (WHEREUPON, Exhibit 5 was marked for  
3 identification.)

4 BY MS. MASSIMI:

5 Q. Do you see this document in front of you,  
6 Mr. Bovell?

7 A. I do.

8 Q. I'm sorry?

9 MR. MCGAHA: Can -- can you --

10 THE DEPONENT: Yes, I do.

11 MR. MCGAHA: Can you email me a copy of  
12 all of these exhibits, please?

13 MS. MASSIMI: Right now?

14 MR. MCGAHA: When you finish your  
15 questioning, yes. You can do it on a break, at the  
16 next break.

17 MS. MASSIMI: Yeah. That's fine.

18 MR. MCGAHA: All right.

19 MS. MASSIMI: I mean, can you -- you can  
20 also see the document, though, right, Mr. McGaha?

21 MR. MCGAHA: I see it.

22 MS. MASSIMI: Okay.

23 BY MS. MASSIMI:

24 Q. Do you recognize this document, Mr.  
25 Bovell?

1 A. Yes.

2 Q. What is this document?

3 A. This was a decision we made to -- to  
4 terminate -- to terminate Kevin, if I'm not  
5 mistaken.

6 Q. This was the decision -- well, this  
7 document -- what's the date on this document?

8 A. It shows June 4th, 2021.

9 Q. Kevin had already been terminated at this  
10 point, had he not?

11 A. Yeah. I believe so, yes.

12 Q. So -- so what was the purpose of this  
13 document?

14 A. I don't fully recall it.

15 Q. Did you draft this document?

16 A. Yeah, I believe so.

17 Q. Did you speak to anyone about the contents  
18 of this document as you were putting it together?

19 A. No. I don't think so.

20 Q. Can you please read this document silently  
21 to yourself and let me know when you're done?

22 A. Yeah, no problem.

23 Yeah, I'm done.

24 Q. Have you now had an opportunity to review  
25 the entire contents of the document bearing stamp

1 **ESI 46?**

2 A. Yes.

3 **Q. Why does this document state -- well, is**  
4 **the information contained in this document accurate?**

5 A. Yeah. Yes, it is.

6 **Q. Did you previously testify a few moments**  
7 **ago that you did not determine that Kevin's actions**  
8 **placed another employee in imminent fear for his**  
9 **personal safety?**

10 A. Yes, I did. But this is all stuff that's  
11 coming back to me. Like, as I'm reading it, I'm  
12 like, "Okay. Yeah, I remember that," that we did  
13 review -- we did review it with security, me and the  
14 other manager. I believe it was, if I'm not  
15 mistaken, it's either Mike or Steve, one of them.  
16 We reviewed it, and that's when we determined what  
17 the document says.

18 **Q. When you reviewed what?**

19 A. The security -- security investigation.

20 **Q. Did you ever speak to Augusto?**

21 A. No. I never spoke to Augusto one-on-one -

22 -

23 **Q. Did anyone ever tell --**

24 A. That was security, though.

25 **Q. Did anyone ever tell you that Augusto was**

1 placed in imminent fear for his personal safety?

2 A. His manager, possibly. That's why --

3 Q. What --

4 A. -- we reviewed it.

5 Q. What was his manager's name?

6 A. I'm not sure who was his manager. It's  
7 either Mike, I don't remember his last name, or  
8 Steven Pasqualicchio. One of them.

9 Q. What is Michael Bradley's -- are you  
10 referring to Michael --

11 A. Bradley.

12 Q. -- Bradley?

13 A. Yes, yes. Mike Bradley. Yes.

14 Q. What is his race?

15 A. He is a white male.

16 Q. What is James Cahill's race?

17 A. White male.

18 Q. What is Steve Pasqualicchio's race?

19 A. White male.

20 Q. And one of them told you that Augusto was  
21 in fear for his personal safety?

22 MR. MCGAHA: Object to form.

23 THE DEPONENT: Yes, I believe so. Yes.

24 BY MS. MASSIMI:

25 Q. Is that where you got that?

1           **MR. MCGAHA:** Object to form.

2           **THE DEPONENT:** Yeah. Yes. That all came  
3 from security's investigation.

4 **BY MS. MASSIMI:**

5           **Q.** Well, security's investigation also said -  
6 - didn't security's investigation also say that  
7 **Augusto was seen pushing a box towards Kevin?**

8           **A.** I don't recall that. What --

9           **Q.** You don't know anything about that?

10          **A.** No. I -- I'm pretty sure -- I don't  
11 recall it.

12          **Q.** This letter that you're looking at does  
13 not include all of the pertinent information that  
14 was included in the --

15          **A.** Exactly.

16          **Q.** -- security -- let me finish the question,  
17 sir, just so the court reporter can get it down.

18               This letter that you drafted, dated June  
19 4th, 2021, does not include all of the information  
20 that's contained in the security investigative  
21 report, correct?

22          **A.** Correct.

23          **Q.** Why not?

24          **A.** I -- I -- I'm not sure why that is.

25          **Q.** Well, you drafted it --

1 A. This is just -- yeah. This is just a  
2 letter we draft to send -- to send to Kevin --

3 Q. Who drafted this --

4 A. -- based on the --

5 Q. -- letter?

6 A. I did. Based on if he's taking the next  
7 step to GFT determination.

8 Q. Okay. So you draft this letter based on  
9 whether he's taking the next step to the GFT  
10 process?

11 A. Yes.

12 Q. Do you have plans to reapply for  
13 employment at FedEx?

14 A. No. I don't have plans to.

15 Q. I'm sorry. I think I asked you this. I  
16 can't recall the answer. Did FedEx provide you with  
17 any severance following your termination?

18 A. No.

19 Q. Did they provide you with health insurance  
20 for any period of time following your termination?

21 A. No.

22 Q. Did you sign any nondisclosure or  
23 confidentiality agreement with FedEx related to your  
24 termination?

25 A. No.

1 Q. What is your current address again? I'm  
2 sorry. Can you please tell me?

3 A. It's 302 Bowman's Lane, Frederick,  
4 Maryland. ZIP code 21702.

5 Q. I believe that I was provided with a 305  
6 address for you.

7 A. Yeah. That -- yeah. I'm sorry. That was  
8 my mistake. I had the address incorrect. Yeah.  
9 Sorry about that.

10 Q. Okay. Okay. No problem. Do you -- do  
11 you own your home?

12 A. No. It's a -- rent an apartment.

13 Q. Have you ever -- have you ever owned a  
14 home before?

15 A. No.

16 Q. Did you have any mortgage applications  
17 pending during 2021?

18 A. No.

19 Q. You said that sometime in, I believe,  
20 June, Eric Warnders asked you into his office and --  
21 and terminated you; is that accurate?

22 A. Yes.

23 Q. Can you please describe for me how that  
24 happened? Did he approach you at work on the floor?  
25 Did he --



1 A. He --

2 Q. -- call you in from home or something  
3 else?

4 A. In the -- the termination of -- of itself?

5 Q. Yeah.

6 A. In the termination of itself, I was  
7 suspended. Same -- same system as Kevin. And then I  
8 was called in from -- at home to come in. And  
9 that's when I --

10 Q. When --

11 A. -- I was terminated.

12 Q. When were you suspended?

13 A. I was suspended -- I'm not sure. I want to  
14 say whatever that week was, the Monday of that week,  
15 or the Tuesday of that week.

16 Q. In June?

17 A. In June, yes.

18 Q. How were you suspended, or how did you  
19 receive that news?

20 A. I was made aware of that. They had  
21 evidence of what I did with what I explained  
22 earlier, and ultimately, I was put under suspension  
23 --

24 Q. What I'm --

25 A. -- pending investigation.

1 Q. What I'm saying is, who explained that to  
2 you and how did they explain it to you? Was it in  
3 writing? Was it verbally, over the phone, in  
4 person, something else?

5 A. It was in -- verbally and in writing.

6 Q. Who --

7 A. And just like the suspension that Eric  
8 Warners issued at.

9 Q. Right. So how did that happen initially?  
10 Did he come up to you at work and say you're  
11 suspended and hand you a document? Did he call you  
12 on the phone and mail you a document? How did that  
13 happen?

14 A. No. He called me while I was in my  
15 office. He explained what's happening, and he  
16 showed me evidence of it, and he told me that I'm  
17 going to be paid -- placed on a suspension pending  
18 an investigation.

19 Q. Did you respond to that?

20 A. What do you mean "respond" to it? Respond  
21 how? Like --

22 Q. Eric Warnders called you on the phone and  
23 said that he had evidence of you doing something  
24 wrong, correct?

25 A. Right.

1 Q. And that you were being suspended,  
2 correct?

3 A. Yes.

4 Q. Did you say anything to Eric Warnders in  
5 response to that news?

6 A. Yes. I said, "Yeah, you're right. I did  
7 do what I was being accused of."

8 Q. Okay.

9 A. All right.

10 Q. Did you say anything else to him?

11 A. No. The evidence was there, so all I did  
12 was sign my -- my suspension paper.

13 Q. Did you expect at that point that you were  
14 going to be terminated?

15 A. It was -- I knew it was -- there's a  
16 possibility.

17 Q. Did you GFT your termination?

18 A. I did.

19 Q. Do you believe your termination was  
20 proper?

21 A. Yes, I do.

22 Q. Then why did you GFT it?

23 A. Because, you know, it's a job that I gave  
24 eight years of my life to. And, ultimately, I  
25 wanted to see if someone was -- like Nan, was going

1 to have some type of different outcome, so --

2 **Q. Well --**

3 A. -- that was the reason.

4 **Q. But you -- you believe you should have**  
5 **been terminated, correct?**

6 A. Yeah. Yeah.

7 **Q. Okay. But you still GFT-ed it?**

8 A. Yes, I did.

9 **Q. What is -- what is the purpose of a GFT?**

10 A. The purpose of the GFT is to hopefully  
11 turn over a -- a termination or whatever  
12 disciplinary actions being issued.

13 **Q. On what grounds do you believe that they**  
14 **could have overturned your termination if what you**  
15 **had done, in fact, was wrong?**

16 A. Oh, I was going off the grounds of, you  
17 know, everything that I've given to the company, my  
18 time. You know, a big part of it in my GFT was just  
19 talking about, you know, my -- my time during COVID  
20 that I was the only manager at the station, so --  
21 you know, in hopes that, you know, someone have a  
22 change of heart. But, you know, in the back of my  
23 mind, I knew better.

24 **Q. I mean, it -- it does seem unfair what**  
25 **happened to you because it does seem like you're**

1 also indicating -- you had indicated earlier that  
2 you were perhaps not the only person to have done  
3 that; is that correct?

4 MR. MCGAHA: Object to form.

5 THE DEPONENT: I never --

6 MR. MCGAHA: Object to form.

7 THE DEPONENT: I never indicated that. I  
8 never indicated that.

9 BY MS. MASSIMI:

10 Q. Okay. But this is just something that you  
11 knew about --

12 A. This is something that I knew about.

13 Q. -- as a way to -- as a way to cover for  
14 new employees?

15 A. Right.

16 Q. But you never heard about this happening?

17 A. No. I'm telling you --

18 Q. Okay.

19 A. And I -- I stated to you earlier that I  
20 learned it when I was a driver on holidays. We  
21 would put a certain type of scan on the packages  
22 because it was a holiday.

23 Q. I guess what I'm not understanding is  
24 you're saying you learned this when you were a  
25 driver.

1 A. Yes. I was -- this is what they do on  
2 holidays as a driver. If it's Christmas and we are  
3 not able to deliver the packages because of the  
4 holiday, we put a holiday scan on the packages.

5 Q. In that context, you're saying it's  
6 permissible?

7 A. In that context, it's permissible, yes.

8 Q. Okay. But prior to you doing it, you had  
9 never heard about anyone else ever doing this?

10 A. No.

11 MR. MCGAHA: Object to form.

12 BY MS. MASSIMI:

13 Q. Okay. And based on that, you believed  
14 that your termination was completely proper?

15 A. Yes.

16 Q. But you GFT-ed it?

17 A. Yes.

18 Q. And did Nan Malebranche give you a fair  
19 GFT?

20 A. Yeah, she did.

21 Q. Okay. Explain to me how that GFT went.

22 A. It was -- it was a -- it was, basically,  
23 they run down exactly the reason why you're being  
24 terminated. Why do you feel -- then she asked -- I  
25 believe she asked, "Why do you feel you shouldn't be

1 terminated?" And my response wasn't in regards to  
2 why I was terminated. My response was more so in  
3 regards to everything that I've done for FedEx in my  
4 time there.

5 And, yeah, that was -- that was pretty  
6 much it. But she was very adamant about only talking  
7 about the reason why I was terminated.

8 **Q. Right. She didn't want to hear about what**  
9 **you wanted to explain in terms of your past**  
10 **dedication to the company, correct?**

11 **MR. MCGAHA:** Object to form.

12 **THE DEPONENT:** No. No. I wouldn't say --  
13 I wouldn't say in that -- because she listened to  
14 me. But, ultimately, you know, I understood that  
15 based -- she had to -- she was operating based on  
16 policy, and I violated a policy ultimately  
17 warranting a termination.

18 **BY MS. MASSIMI:**

19 **Q. Did you ever ask them why it took them so**  
20 **long to bring this to your attention?**

21 **A.** What -- what do you mean? Took so long to  
22 bring what to my attention?

23 **Q. In other words, you're talking about an**  
24 **issue with scans that happened in March of 2021,**  
25 **correct?**

1 A. Yes.

2 Q. They didn't bring it to your attention  
3 until May of 2021 -- or until June of 2021, correct?

4 A. Yes. That's because someone in Memphis, I  
5 believe it was, observed the scan being placed  
6 wrongfully that time in June.

7 Q. When you say someone -- when you -- when  
8 you say someone in Memphis observed the scan being  
9 placed improperly, who are -- what are you referring  
10 to?

11 A. It's -- it's a team that ultimately  
12 investigates all scans coming from a terminal. So  
13 I'm guessing someone saw my scan, the scan there  
14 with my name and ID number on it, and determined  
15 that these scans were placed falsely.

16 That's what -- that's -- that's what it  
17 was, it's falsification. And through that, they  
18 sent -- I'm guessing they sent Eric an email with --  
19 with the -- with the information that they found.  
20 And I guess they did some other digging that showed  
21 that I did this scan a few times between then and  
22 March, and that's what ultimately warranted the  
23 termination.

24 Q. Each time that you did this, was this to  
25 cover for other employees?



1 A. Yes.

2 Q. Do you know whether those other employees  
3 were terminated?

4 A. No. Those -- the employees weren't  
5 terminated.

6 Q. Okay. So I'm sorry. I still don't feel  
7 as though I've gotten an answer to my question, and  
8 perhaps you don't know the reason, and that's fine,  
9 but did anyone ever explain to you why, or did you  
10 ever question why it took them that length of time  
11 to approach you in June of 2021 about something that  
12 had happened in March of 2021?

13 A. No. It's -- once again, it's -- I had a -  
14 - between the time period of March to June, that's  
15 the time that you can see -- if you go back and do  
16 an investigation, you will see that I was putting  
17 these scans, particularly on Saturdays, or -- yeah,  
18 I believe it was Saturday, on these packages with  
19 these newer employees.

20 And like I said, ultimately, I don't know  
21 the reasoning. Someone from the head office in  
22 Memphis noticed it and addressed it with Eric.

23 Q. When you say someone from the head office  
24 in Memphis, who are you referring to?

25 A. I'm -- I'm not sure who that is, but I do

1 know that Memphis is where they -- everything goes  
2 through Memphis. That's where the -- the  
3 headquarters are.

4 Q. Well, I guess, you know, I -- I did not  
5 come up -- you're saying someone from the head  
6 office in Memphis.

7 A. Uh-huh.

8 Q. I have no understanding of what you're --  
9 what you're referring to, so I'm asking you to  
10 explain that. What you mean when you say someone  
11 from the head office in Memphis noticed this?

12 A. Okay.

13 Q. Are you -- what are you talking about? If  
14 you even are aware of what this process is or if  
15 someone told you?

16 A. Okay.

17 Q. I mean, I just am not even clear on what  
18 you're explaining right now, truthfully.

19 A. Okay. This is exactly how it works.  
20 Saturdays, you have a very strict window to get  
21 packages delivered by 12:00. If, ultimately, prior  
22 to 12:00 you have a report you send to the head  
23 office in Memphis stating, "Hey, I might have 10  
24 lates, or I might have no lates," my --

25 Q. So -- I'm so sorry. I'm so sorry, sir.

1 And I'm not trying to interrupt you. I'm just --  
2 I'm just trying to understand this as you go step by  
3 step because it's just not within my knowledge. So  
4 you're saying that if you are a manager working at  
5 the LGAA station --

6 A. Yes.

7 Q. -- and you're going to have late --

8 A. Lates.

9 Q. -- packages, you have to tell --

10 A. Yes. Packages delivered past --

11 Q. -- you have to --

12 A. Right. You have to report that.

13 Q. -- somehow notify --

14 THE REPORTER: One person at a time,  
15 please.

16 MS. MASSIMI: Yeah, sorry.

17 THE DEPONENT: I'm sorry.

18 MS. MASSIMI: Just give me a second, sir.

19 BY MS. MASSIMI:

20 Q. So that you have to notify Memphis in  
21 advance. Is that -- am I correct about that?

22 A. I'm not sure if it's Memphis. I don't  
23 recall exactly who it was. But you have to send a  
24 report in an email chain that you can -- you,  
25 perhaps, have lates or no lates.

1 Q. And when do you send that report? Is it  
2 when you first believe you're going to have lates,  
3 or is it within a certain time period after you do  
4 have lates or something else?

5 A. It's before you -- the -- the report --  
6 that report you send before the timeline of the  
7 actual cut-off point.

8 Q. So you, as a manager, if you were working  
9 at the LGA station in March of 2021 on a Saturday,  
10 and you were going to have lates --

11 A. Yeah.

12 Q. -- you would have to send in a report in  
13 an email to someone in Memphis?

14 A. Yeah, something like that. That's how it  
15 works. Again, I don't --

16 Q. Have you ever --

17 A. Go ahead. I'm sorry.

18 Q. No. Have you ever followed that  
19 procedure?

20 A. Yes. I followed the procedure before.

21 Q. Did you follow that procedure related to  
22 the March scans that they were complaining about to  
23 you?

24 A. Yes.

25 Q. You did?

1 A. Yes.

2 Q. So then I'm not understanding how -- why  
3 did you get in trouble for that, then? This is a  
4 purely -- this is not a -- I'm not trying to be  
5 annoying with this. I'm trying to understand.

6 A. I understand. And it's -- it -- the  
7 breakdown of it -- the gist of it is that someone --  
8 basically, on the particular Saturday that they did  
9 -- that they did catch it, I sent a report saying  
10 that I might have about 10 lates, and then it turns  
11 out that I had no lates. So that raised a red flag  
12 with someone there, and they were like, "Why did he  
13 report 10 possible lates and then had no lates?"

14 So they went -- whoever it is in Memphis  
15 that is responsible for service, went and do their  
16 due diligence and found that I had placed a scan ---  
17 an improper scan on these packages. And then they  
18 did a thorough investigation going back up to March  
19 that I've done this a few times.

20 Q. Wait, but I'm asking about March.

21 MS. MASSIMI: I'm sorry, Mr. McGaha, do  
22 you mind not nodding and shaking your head while the  
23 witness is testifying? Do you mind terribly?

24 MR. MCGAHA: What? I can shake --

25 MS. MASSIMI: I'm just --

1           **MR. MCGAHA:** -- my head if I want to.

2 He's not my client.

3           **MS. MASSIMI:** Okay. I'm just asking to

4 just avoid any --

5           **MR. MCGAHA:** Okay.

6           **MS. MASSIMI:** If you could, please.

7           **MR. MCGAHA:** All right.

8           **MS. MASSIMI:** This has been a point of

9 contention throughout these depositions.

10          **MR. MCGAHA:** Yes, it has.

11          **MS. MASSIMI:** Okay. We don't need to

12 rehash any of this, though.

13 **BY MS. MASSIMI:**

14          **Q.** Mr. Bovell, what I was asking about,  
15 actually, was the March scans. So did you -- the  
16 March -- the March scan -- that -- well, was there  
17 one March scan that they were complaining about, one  
18 set of scans, or were there -- was this --

19          **A.** No. There --

20          **Q.** -- multiple occasions in March that they  
21 were -- you just have to let me finish my question.

22          **A.** There weren't -- oh, I'm sorry.

23          **Q.** You have to let me finish --

24          **A.** I'm sorry.

25          **Q.** It's okay. It's only because the court

1 reporter can't take down two people speaking at  
2 once.

3 A. Yeah. I got you.

4 Q. So were they complaining about one  
5 instance of scans in March, or was it multiple  
6 instances in March of 2021?

7 A. It was -- they may -- there were multiple  
8 in March. There were some in May, April, and -- and  
9 June. What I'm trying to explain to you is that they  
10 caught it in June and did an investigation that  
11 showed I did it all the way back up to March.

12 Q. What I'm asking you, though, was about the  
13 March scans.

14 A. I don't --

15 Q. My question was -- my question was the  
16 March scans, did you send emails, the emails that  
17 you described --

18 A. Oh, yes. Yes.

19 Q. -- to Memphis? You have to wait -- I'm  
20 sorry, sir. We're wrapping up. You just have to  
21 let me finish my question. I know if this was a  
22 normal conversation, crosstalk is normal. We just  
23 can't do it here because the court reporter can't  
24 take both of us down at the same time. Otherwise, I  
25 wouldn't care, truthfully.

1           The March scans that they ended up having  
2 an issue with, did you send the required emails  
3 related to those scans that you later got in trouble  
4 for?

5           A.    Yes.

6           Q.    And so I think you were describing  
7 earlier, you -- my understanding is that you said  
8 you sent emails reporting that you would have  
9 possible lates, correct?

10          A.    Correct.

11          Q.    And that you then never reported actual  
12 lates, correct?

13          A.    Correct.

14          Q.    And so then they went and looked at the  
15 scan and saw that you had put, what, a holiday scan?

16          A.    Yes.

17          Q.    And the first one that they took, was that  
18 the case with regard to all of the scans that they  
19 took issue with, that you had emailed reporting  
20 possible lates?

21          A.    Yes.

22          Q.    And then never -- okay. So if you have --  
23 if you're reporting a late scan or a possible late  
24 scan, what is the proper procedure that you are  
25 supposed to follow? Do you use a holiday scan, or



1 no?

2 A. No. The proper procedures, if you're  
3 going to have a late, you -- you let the late be  
4 registered in the system. That's it.

5 Q. And you did not do that, correct?

6 A. Exactly.

7 Q. Okay. If someone were to say that that  
8 was actually quite common at FedEx, would that  
9 person be lying?

10 MR. MCGAHA: Object to form.

11 THE DEPONENT: I don't -- I don't know it  
12 to be common at FedEx.

13 BY MS. MASSIMI:

14 Q. You don't know it to be common at FedEx?

15 A. No.

16 Q. Do you -- can you explain why it was that  
17 you personally felt constrained or compelled to do  
18 this?

19 MR. MCGAHA: Object to form.

20 BY MS. MASSIMI:

21 Q. Or why this was -- why was this happening?

22 A. No.

23 MR. MCGAHA: Object to form.

24 THE DEPONENT: I explained that this  
25 happened because I had a slew of new employees, a

1 lot of whom were very -- they didn't come from a  
2 delivery background, or I should say delivery -- had  
3 delivery -- package delivery experience, and we were  
4 running into a lot of -- a lot of walls with  
5 ensuring that they got their deliveries --  
6 deliveries off on time.

7 **BY MS. MASSIMI:**

8 **Q. Did the other managers get the same number**  
9 **of new employees that you did?**

10 A. Yes. But on Saturdays, the operation was  
11 a little bit different, where it's two managers  
12 only. And at the time, I was training a new -- a  
13 new manager that was working alongside me, but he --  
14 he was just -- you know, he was just learning the  
15 ropes, basically.

16 **Q. What's his name?**

17 A. Kelvin Ricio.

18 **Q. Okay. So were you typically responsible**  
19 **for the Saturdays?**

20 A. Yes.

21 **Q. Okay. So that -- that's what you're**  
22 **saying the issue was -- well, that is how this, you**  
23 **know, more or less happened. Is that less managers**  
24 **-- fewer managers were assigned on Saturdays; is**  
25 **that accurate?**

1 A. Yes, but it was fewer employees.

2 Q. But the employees that were there were new  
3 employees?

4 A. Right. Correct.

5 Q. Did you ever complain to Eric or anyone  
6 prior to them reprimanding you for this?

7 A. No, I didn't.

8 Q. Is there a particular reason?

9 A. That's the same thing Nan asked in my GFT,  
10 and I didn't have a good answer for it.

11 Q. What answer -- what is your answer?

12 A. I -- I just thought I found a means to  
13 hide these lates, and so I went with it.

14 Q. Well, was it your understanding that  
15 management wanted you to find the means to hide the  
16 lates, as you say?

17 A. No. No, no. That wasn't the case, but  
18 it's just something that I -- I knew that if I put  
19 these scans on, this is what happens.

20 Q. Okay. Have you received any emails from  
21 Mr. McGaha or anyone else at FedEx related to this  
22 lawsuit or this -- related to this lawsuit?

23 A. No.

24 Q. Have you received any text messages from  
25 anyone at FedEx, including Mr. McGaha, related to

1 **this lawsuit?**

2 A. No. I just got texts about ensuring that  
3 I show up for meetings, or if I missed a call, you  
4 would text me and tell me, "Hey, I called you."  
5 That's it.

6 Q. Okay. Can you just save all of your  
7 communications that you've had with Mr. McGaha and  
8 anyone at FedEx related to this incident?

9 A. Did I save it?

10 Q. Well, yeah. Did you, I guess, is the  
11 first question? Did you?

12 A. No.

13 Q. Okay. Have you spoken to anyone at FedEx  
14 other than Mr. McGaha about this lawsuit?

15 A. No. I have not.

16 Q. Did you -- did you ever receive any  
17 warnings at FedEx, verbal or written, for any of  
18 your conduct other than the scans that you've  
19 described?

20 A. No, no. If -- if -- if I recall, I was  
21 issued a warning letter for that -- that my license  
22 being suspended that I spoke about earlier, but that  
23 was -- that was it.

24 Q. Do you know if anyone ever had an issue --  
25 would -- did you ever date anyone at work?

1 A. Did I date anyone at work? Yeah, when I  
2 was a -- when I was a employee, a courier, yes.

3 Q. Okay. What years? What were those -- the  
4 years that you -- or year that you dated that  
5 person?

6 A. I want to say 2017, 2016, one of those.

7 Q. Did FedEx ever say anything to you about  
8 that, about not doing that?

9 A. No.

10 Q. Do you know -- well, did -- did you ever  
11 witness any discrimination at FedEx?

12 A. No. Not that -- no. I -- I never  
13 witnessed any cases of discrimination.

14 Q. What is --

15 A. No.

16 Q. -- discrimination?

17 A. In -- in -- discrimination can be in  
18 multiple -- multiple things. Can be race  
19 discrimination, someone with a handicap being  
20 discriminated against. I've never personally  
21 witnessed any -- any of that stuff there.

22 Q. Did you ever hear about any  
23 discrimination?

24 A. No. As a -- I've heard issues of -- when  
25 I was a -- when I was a courier that -- I can't -- I

1 can't remember. But as a manager, no.

2 **Q. What -- what issues did you hear about**  
3 **when you were a courier? What do you mean by that?**

4 A. It -- just guys being, you know, like, I  
5 guess, like overweight. An overweight courier being  
6 slow. And the other employees will tell them,  
7 "You're -- like, you're too slow." That's -- that's  
8 pretty much it.

9 **Q. Okay. You're -- you're talking about like**  
10 **unprofessional --**

11 A. Right. Like unprofessional --

12 **Q. -- language?**

13 A. Yeah. Yeah.

14 **Q. Right. Do you know whether Kevin Campbell**  
15 **is alleging that he was the target of discriminatory**  
16 **language prior to his termination?**

17 A. I heard that in the GFT, he brought that  
18 up when Nan asked him -- asked him, I guess, in  
19 regards to the reason why he was being terminated.  
20 He started saying all these different incidents.

21 I personally had no idea of any of those  
22 incidents. I was -- I -- I was in shock across the  
23 table. I really did not know what Kevin was talking  
24 about at all.

25 **Q. What do you -- what are some of the things**

1 **that you remember him saying?**

2 A. God, man, I don't -- I don't even remember  
3 them exactly. It's been so long. But it was  
4 something to the effect of him and -- being -- being  
5 called something by another employee, or --  
6 something -- something along those lines. That and  
7 like other things.

8 But once again, like I said, as his  
9 manager, none of those incidents were ever reported  
10 to me.

11 **Q. If -- if those incidents had been reported**  
12 **to you, would you have done anything?**

13 A. Oh, absolutely. Absolutely.

14 **Q. The stuff that he complained of, did you**  
15 **believe that it was discriminatory?**

16 A. It -- the way --

17 **MR. MCGAHA:** Object to form.

18 **THE DEPONENT:** Yeah. It -- it definitely  
19 would be under being discriminatory. But, once  
20 again, like I said, I don't know of any of those  
21 incidents.

22 **BY MS. MASSIMI:**

23 **Q. Do you believe Kevin Campbell is a snitch?**

24 **MR. MCGAHA:** Object to form.

25 **THE DEPONENT:** A snitch? I don't -- I

1 don't -- no, I don't believe Kevin Campbell is a  
2 snitch. What exactly would he be snitching?

3 **BY MS. MASSIMI:**

4 **Q. Did -- did anyone at FedEx ever warn you**  
5 **or talk to you about personal relationships that you**  
6 **had with other people at FedEx?**

7 **A. No.**

8 **Q. Okay. Does -- does FedEx have a policy**  
9 **against managers having sexual relations with**  
10 **nonmanagers?**

11 **A. Yeah, I believe so. I'm -- I'm not -- I'm**  
12 **not entirely sure. I believe so, yeah.**

13 **Q. Okay.**

14 **A. Like most jobs do.**

15 **Q. Okay. Do you know if even, like,**  
16 **consensual sexual relationships between managers and**  
17 **subordinates at the LGA station are prohibited?**

18 **A. Yeah, that's prohibited. Yeah.**

19 **Q. Have you ever -- has anyone ever spoken to**  
20 **you about that policy at FedEx?**

21 **A. Maybe when I got hired as a manager, like**  
22 **in training.**

23 **Q. Have you ever -- did you ever violate that**  
24 **policy as a manager?**

25 **A. No.**



1 Q. Okay. Do you believe Kevin Campbell was  
2 telling the truth in the GFT?

3 A. About what?

4 MR. MCGAHA: Object to form.

5 MS. MASSIMI: I'm sorry -- I'm sorry, sir?

6 THE DEPONENT: About what?

7 BY MS. MASSIMI:

8 Q. Well, do you believe he was lying or being  
9 untruthful at any point in the GFT --

10 MR. MCGAHA: Object to form.

11 BY MS. MASSIMI:

12 Q. -- in the GFT process?

13 MR. MCGAHA: Object to form.

14 THE DEPONENT: I don't believe -- again,  
15 like I just said, everything that Kevin alleged  
16 after his GFT and the reason why he was being  
17 terminated was discussed, was brand new to me. None  
18 of this was ever uttered to me verbally. He never  
19 wrote a statement to me concerning any of it. So it  
20 was just new to. So it --

21 Q. I --

22 A. And once again, it wasn't -- I was in  
23 shock, most of all, that he was saying these things  
24 because Kevin knows me. Like I told you earlier, we  
25 -- we would spoke -- we were very cordial. We

1 talked. I -- we never had a bad report, ever.

2 Q. I understand -- I understand what you're  
3 saying. You're saying that -- exactly what you just  
4 said. I don't even need to rephrase it. I think  
5 your testimony is clear.

6 A. Right.

7 Q. My question is, do you believe he was  
8 lying with what he was saying?

9 A. I can't -- I can't -- I can't determine  
10 that. Once again, if -- if it was something that I -  
11 - I saw -- I witnessed, then I'd be -- I'd be more  
12 clear in saying, "No, I don't believe he's lying."  
13 But that wasn't the case.

14 Q. Okay.

15 MS. MASSIMI: I do not have any other  
16 questions.

17 MR. MCGAHA: I have some questions.

18 MS. MASSIMI: Okay. Should I -- how many  
19 questions -- how long do you have? Should I go to  
20 this other deposition first and ask them -- I mean,  
21 I don't even know if --

22 Let's go off the record.

23 I don't even know if he's going to --

24 THE REPORTER: Do we need to go off the  
25 record?

1 MS. MASSIMI: Yeah.

2 THE REPORTER: Okay. It is 12:00 p.m. We  
3 are going off the record.

4 (WHEREUPON, a recess was taken.)

5 THE REPORTER: All right. It is 12:05  
6 p.m. We are back on the record.

7 EXAMINATION

8 BY MR. MCGAHA:

9 Q. All right. Mr. Bovell, thank you for  
10 joining us today. Again, my name is Gabe McGaha. I  
11 am here on behalf of FedEx and the named defendant,  
12 Eric Warnders.

13 A. Yes.

14 Q. You said earlier you were shown a security  
15 report. Do you recall that?

16 A. Yes.

17 Q. I believe it was marked --

18 A. Yes.

19 Q. -- as Plaintiff's Exhibit 1. All right.

20 And you stated that you reviewed that security  
21 report prior to making the decision to terminate Mr.

22 -- Mr. Campbell, is that right?

23 A. That's right.

24 Q. Would it be more -- it has been a few  
25 years that -- I believe this security report was

1 dated March the 25th, I believe, of 2021. So that's  
2 been almost three years ago.

3 Is it possible --

4 A. Yes.

5 Q. -- that you -- when you say that you  
6 reviewed the security report, what you're saying is  
7 that you reviewed security's findings and relied on  
8 those findings to make your decision -- at least to  
9 some degree you relied on those findings to make  
10 your decision about what you would do with respect  
11 to Mr. Campbell's termination? Is that right?

12 A. Yes.

13 MS. MASSIMI: Objection. Objection.

14 THE DEPONENT: Absolutely.

15 BY MR. MCGAHA:

16 Q. All right. Let me see if I can restate it  
17 -- say it a different way.

18 So the security report that you were shown  
19 as Plaintiff's Exhibit 1 is not necessarily the  
20 security report that you looked at prior to the  
21 decision that you made to terminate Mr. Campbell.  
22 Is that right?

23 MS. MASSIMI: Objection.

24 BY MR. MCGAHA:

25 Q. Is that right?

1 MS. MASSIMI: Objection.

2 THE DEPONENT: Yeah. You're right.

3 BY MR. MCGAHA:

4 Q. All right. So what you saw then were  
5 security's findings?

6 A. Findings, yes.

7 Q. Okay. So that -- is that what you meant  
8 when you said that you saw the security report  
9 before and that -- and that you relied on that  
10 security report?

11 MS. MASSIMI: Objection.

12 THE DEPONENT: Yes.

13 BY MR. MCGAHA:

14 Q. Excuse me?

15 A. Yes.

16 Q. Okay. All right. There was a portion of  
17 the security report towards the bottom that states  
18 that Mr. Alzate and Mr. Campbell were terminated at  
19 the direction of Eric Warnders. Do you remember  
20 being asked about that?

21 A. Yes, I remember.

22 Q. All right. Do you know whether or not  
23 that's just form language that is typical in  
24 security reports?

25 MS. MASSIMI: Objection.

1           **THE DEPONENT:** That is what I was trying  
2 to explain. I might have not used those words, but  
3 that is what I was trying to say when I said that's  
4 possibly just how security summed it up.

5 **BY MR. MCGAHA:**

6           **Q.** Gotcha. But to be clear, who made the  
7 decision to terminate Mr. Campbell?

8           **A.** I did.

9           **MS. MASSIMI:** Objection.

10 **BY MR. MCGAHA:**

11           **Q.** Okay. All right. And did anyone direct  
12 you to terminate Kevin Campbell?

13           **A.** No.

14           **Q.** All right. Did your rationale for  
15 terminating Kevin Campbell ever change?

16           **A.** No.

17           **Q.** All right. Did Kevin Campbell ever report  
18 to you that he was being harassed or treated  
19 unfairly because of his race?

20           **A.** No.

21           **Q.** All right. If he had reported that to  
22 you, what would you have done?

23           **A.** Oh, we were headed to -- a -- a statement  
24 was going to be written, and we were taking it  
25 straight to HR.

1 Q. All right. Do you believe that Kevin  
2 Campbell was terminated because of his race?

3 A. No. That is not why Kevin was terminated.

4 Q. All right. Why was Kevin Campbell  
5 terminated, in your own words, as you recall it  
6 today?

7 A. Kevin was terminated because he had an  
8 incident with Augusto, where there was some -- some  
9 back-and-forth words. And then per the video that I  
10 -- I was given to review, it showed Kevin bumping  
11 Augusto with his shoulder, which led to Augusto  
12 pulling a knife on Kevin.

13 Q. Okay.

14 A. And that -- that -- that shoulder bump  
15 that Kevin did, ultimately, initiated the -- the  
16 verbal back and forth between him and Augusto that  
17 caused it to escalate.

18 Q. So when you say that he bumped Augusto, is  
19 this something that you were told or something that  
20 you witnessed yourself from the video?

21 A. I witnessed this -- I witnessed this on  
22 the video.

23 Q. Okay. So this is your conclusion, that  
24 Kevin Campbell bumped Augusto; is that right?

25 A. Yes.

1 Q. All right. And did you speak to anyone  
2 else about what they saw to reach that conclusion  
3 before you reached it yourself?

4 A. No.

5 Q. All right. I believe you've made this  
6 clear, but I just want to make sure it's abundantly  
7 clear, that do you believe that your termination  
8 from FedEx was justified?

9 A. Yes, I do.

10 Q. All right. Have you ever known Eric  
11 Warnders or Nan Malebranche to engage in any race  
12 discrimination or retaliation?

13 A. Absolutely not.

14 Q. All right. Do you believe that Eric  
15 Warnders is a fair manager?

16 A. 100 percent. That's what I believe, yes.

17 Q. All right. How often did you interact  
18 with Eric?

19 A. On a daily basis.

20 Q. All right. Have you ever heard Eric say  
21 anything disparaging to anyone based on that  
22 person's race?

23 A. No.

24 Q. Have you ever noticed or learned, you  
25 know, from someone else that Eric mistreated someone



1 because of that person's race?

2 A. No.

3 Q. All right. What about Nan Malebranche?

4 Do you believe that Nan Malebranche is a fair MD?

5 A. Yes, I do.

6 Q. Do you believe that Nan Malebranche  
7 engages in race discrimination?

8 A. Absolutely not.

9 Q. All right. And do you believe that Nan  
10 Malebranche conducted a fair GFT with respect to Mr.  
11 Kevin Campbell, the plaintiff in the case?

12 A. Yes, I do.

13 Q. All right. Did Nan Malebranche give Mr.  
14 Campbell an opportunity to speak during the GFT  
15 about his termination?

16 A. Yes, she did.

17 Q. Do you believe that Mr. Campbell was  
18 treated fairly from what you observed in the GFT?

19 A. Yes, I do.

20 Q. Right. Do you believe that Eric Warnders  
21 -- he participated in the GFT, too, correct?

22 A. Yes, he did.

23 Q. Did he treat Mr. Campbell fairly during  
24 the GFT process?

25 A. Yes, he did.

1 Q. All right. Let's see. The other exhibit  
2 that you were shown -- give me one second. Going to  
3 share my screen. Well, I guess I can't share my  
4 screen because I'm not the host. Let me try.

5 MS. MASSIMI: If -- if you have many more  
6 questions, does it make sense to just --

7 MR. MCGAHA: I don't have many more  
8 questions.

9 MS. MASSIMI: Okay.

10 MR. MCGAHA: There are a couple more.  
11 This document here --

12 MS. MASSIMI: Did they freeze for you? I  
13 -- I don't know. They -- I can see the court  
14 reporter, but I can't see the -- the other two  
15 froze.

16 THE REPORTER: Okay. Yes, it looks like  
17 they froze.

18 MR. MCGAHA: I'm frozen?

19 THE REPORTER: Okay.

20 MS. MASSIMI: No. No.

21 THE REPORTER: You're back.

22 MS. MASSIMI: Yeah.

23 MR. MCGAHA: Okay.

24 BY MR. MCGAHA:

25 Q. This is -- this document is apparently

1 trying to load. But in any case, Mr. -- Mr. Bovell,  
2 can you hear me?

3 A. Yes. I can hear you.

4 Q. All right. Do you recall being shown a  
5 letter, this letter right here? Can you see my  
6 screen? Can --

7 MS. MASSIMI: I don't see --

8 THE DEPONENT: I don't see the letter. I  
9 see -- I see an email.

10 MS. MASSIMI: Yeah.

11 MR. MCGAHA: Okay.

12 BY MR. MCGAHA:

13 Q. Do you recall seeing a letter? I believe  
14 it was marked as Exhibit -- initially, Exhibit 5,  
15 but I believe it was the second document that you  
16 were shown. It was a letter from June the 4th with  
17 the manager's rationale on it?

18 A. Yeah.

19 Q. All right.

20 A. I remember that.

21 Q. All right. And you testified that that  
22 letter was drafted because Mr. Bovell initiated a GF  
23 -- excuse me, Mr. Campbell initiated a GFT; is that  
24 right?

25 A. Yes.

1 Q. Is that a form letter, essentially, that  
2 has to be -- has to be drafted after a GFT is  
3 initiated?

4 A. Yes.

5 Q. Okay. So is it common for there to be  
6 additional information that you relied on in your  
7 decision to terminate someone that is not  
8 necessarily all in that letter?

9 A. Yes.

10 Q. So is this manager's rationale, then, a  
11 summary of your decision, but not necessarily every  
12 factor that you considered in your decision to  
13 terminate someone?

14 A. Exactly. Yes.

15 Q. Okay. So if it says that you terminated  
16 someone for disruptive -- disruptive behavior, could  
17 it mean that the person bumped someone, perhaps, and  
18 as a result --

19 MS. MASSIMI: Objection.

20 THE DEPONENT: Yeah.

21 BY MR. MCGAHA:

22 Q. Okay. So --

23 MS. MASSIMI: Objection.

24 BY MR. MCGAHA:

25 Q. -- is -- is disruptive behavior just a

1 **general description?**

2 A. Yes. It could --

3 **Q. Okay. Let me finish. Is disruptive**  
4 **behavior just simply a general description of**  
5 **conduct that violated the acceptable conduct policy?**

6 A. Yes. Correct.

7 **Q. Okay.**

8 **MR. MCGAHA:** All right. I don't have any  
9 other questions.

10 **MS. MASSIMI:** I have a question.

11 **FURTHER EXAMINATION**

12 **BY MS. MASSIMI:**

13 **Q. Well, did you say earlier that you decided**  
14 **to terminate Kevin Campbell because he bumped**  
15 **someone?**

16 A. No. I told you I -- Kevin was terminated  
17 based off behavioral -- whatever that -- that phrase  
18 is. Disruption -- behavioral disruption, which --  
19 which it, like, Mr. McGaha just explained, it's a  
20 slew of different things that can determine  
21 behavioral disruption. And in --

22 **Q. Well, so -- go ahead.**

23 A. In Kevin's case, it was that he initiated  
24 that first physical contact that escalated the  
25 situation.

1           **Q.    And you believe that Kevin initiated the**  
2 **first physical contact based on the portion of the**  
3 **video that you were shown?**

4           A.    Yes.

5           **Q.    Who showed you that video?**

6           A.    That was security, James Cahill.

7           **Q.    Okay. And did you write in any of your**  
8 **documents that Kevin bumped someone?**

9           A.    No. We didn't use that. But it -- that  
10 was the behavioral disruption.

11          **Q.    What do you mean, "We didn't use that"?**

12          A.    I didn't use that. I used "per policy."  
13 You have to word it a certain way, which is put it  
14 under behavioral -- behavioral disruption.

15          **Q.    Did you write anywhere that Kevin bumped**  
16 **someone?**

17          A.    No, I did not.

18          **Q.    Did you write it down in a personal**  
19 **notebook?**

20          A.    No, I did not.

21          **Q.    An email?**

22          A.    No.

23          **Q.    Is that a "No"?**

24          A.    No.

25          **Q.    Okay. And do you know whether there is a**

1 **witness in this case who says that he saw Augusto**  
2 **hit Kevin with a box?**

3 A. No. I -- I do remember them saying  
4 Augusto hit him with a box, but the evidence, the --  
5 the video footage that we saw, he didn't hit him  
6 with a box. He pushed the box like he was pushing  
7 the boxes prior. It just so happened that they were  
8 -- they were talking back and forth to each other,  
9 and when he pushed the box, it got close to Kevin's  
10 hands.

11 **Q. Do you --**

12 A. It wasn't -- I'm sorry. Let me finish.

13 It wasn't a case where he picked up a box  
14 and threw it at Kevin. It was -- it's -- it's a  
15 conveyor belt, if you can imagine it. Augusto's job  
16 was to ensure that packages come off of another  
17 conveyor belt onto the main belt where Kevin was  
18 working. And then he would kind of slide it, the  
19 boxes, towards Kevin.

20 Well, he would split the boxes depending  
21 on where they were going on the belt that Kevin was  
22 working on. So it appeared that because of the back  
23 and forth, he pushed the box and it hit Kevin. It  
24 looked as though it -- it -- it hit Kevin's hand.

25 But when -- upon review, I said that's

1 just -- that's just typical -- that's just the  
2 typical work procedure. When they -- when -- in the  
3 -- when I read the statement that all came in that  
4 day, somebody said Augusto threw a box at Kevin.  
5 There was no box being thrown at Kevin.

6 **MS. MASSIMI:** Okay. I have no questions.

7 **MR. MCGAHA:** That's it for me. Thank you.

8 **MS. MASSIMI:** Okay.

9 **THE DEPONENT:** All right.

10 **THE REPORTER:** Okay. And, Ms. Massimi,  
11 would you like to order the original transcript?

12 **MS. MASSIMI:** Yes, please.

13 **THE REPORTER:** Okay. And, Mr. McGaha,  
14 would you like to order a copy of the transcript?

15 **MR. MCGAHA:** Yes.

16 **THE REPORTER:** Okay. And with that, it is  
17 12:21 p.m. We are going off the record.

18 **(WHEREUPON, the deposition of MONTY BOVELL**  
19 **was concluded at 12:21 p.m.)**

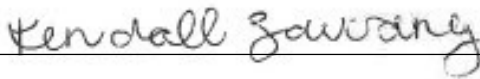


CERTIFICATE

I, Kendall Zavodny, do hereby certify that I reported all proceedings adduced in the foregoing matter and that the foregoing transcript pages constitutes a full, true and accurate record of said proceedings to the best of my ability.

I further certify that I am neither related to counsel or any party to the proceedings nor have any interest in the outcome of the proceedings.

IN WITNESS HEREOF, I have hereunto set my hand this 25<sup>th</sup> day of March, 2024.



Kendall Zavodny



## DECLARATION

Deposition of: Monty Bovell Date: 03/11/24

Regarding: Campbell vs. Federal Express Corp.

Reporter: Zavodny/Hernandez

I declare under penalty of perjury the following to  
be true:

I have read my deposition and the same is true and  
accurate save and except for any corrections as made  
by me on the Correction Page herein.

Signed at \_\_\_\_\_,  
on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Signature \_\_\_\_\_

Monty Bovell

<u>1</u>	70:24	<b>962</b> 43:15	<b>actually</b> 6:12
<b>1</b> 36:1	71:3 71:3	<b>966</b> 43:15	33:22
36:22	72:11 72:12		36:4
37:1	75:9 78:6	<u>A</u>	49:13 77:15
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